

**AGREEMENT BETWEEN
THE GOVERNMENT OF THE UNITED STATES OF AMERICA
AND THE GOVERNMENT OF CANADA
CONCERNING THE IMPOSITION OF IMPORT RESTRICTIONS ON CERTAIN CATEGORIES OF
ARCHAEOLOGICAL AND ETHNOLOGICAL MATERIAL**

The Government of the United States of America and the Government of Canada:

Recognizing the rich cultural heritage which both countries share and from which both countries derive national pride;

Acting pursuant to the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, to which both countries are States Party; and

Desiring to reduce the incentive for pillage of certain categories of irreplaceable archaeological and ethnological material;

Have agreed as follows:

ARTICLE I

- A. The Government of the United States of America, in accordance with its legislation entitled the Convention on Cultural Property Implementation Act, shall restrict the importation into the United States of, and take appropriate steps to recover within the United States, the archaeological and ethnological material listed in the Appendix to this Agreement (hereafter "Designated List") unless the Government of Canada issues a cultural property export permit or other documentation which certifies that such exportation was not in violation of its laws, as set forth in the Cultural Property Export and Import Act, and regulations. The Designated List forms an integral part of this Agreement.
- B. The Government of the United States of America shall offer for return to the Government of Canada any material on the Designated List forfeited to the Government of the United States of America.
- C. Such import restrictions shall take effect on the date the Designated List is published in the *U.S. Federal Register*, the official United States Government publication providing fair public notice. The Government of the United States will inform the Government of Canada of the date on which such publication has taken place.
- D. Such import restrictions shall apply to the following in Canada: Inuit (Eskimo) archaeological and ethnological material; Subarctic Indian ethnological material; Northwest Coast Indian archaeological and ethnological material; Plateau Indian archaeological material; Plains Indian ethnological material; and Woodlands Indian archaeological and ethnological material. Such import restrictions shall also apply to underwater archaeological material found at historic shipwrecks and other underwater historic sites in the inland waters of Canada as well as the Canadian territorial waters of the Atlantic, Pacific and Arctic Oceans, and the Great Lakes.
- E. Such import restrictions shall apply only to archaeological and ethnological material subject to control by Canada's Cultural Property Export and Import Act and subject to the definitions for such material as set forth in the United States' Convention on Cultural Property Implementation Act.

- F. Such import restrictions are not intended by either Government to impede the traditional cross-border movement of cultural objects for the purposes of ongoing communal activities of the Aboriginal or Native groups of both countries.

ARTICLE II

- A. The Government of Canada shall take reasonable steps to prohibit the import into Canada of material originating in the United States consisting of archaeological resources (as defined by the Archaeological Resources Protection Act of 1979, as amended (16 U.S.C. 470aa-mm), cultural items (as defined by the Native American Graves Protection and Repatriation Act of 1990 (25 U.S.C. 3001-3013), and archaeological items recovered from shipwrecks (as defined by the Abandoned Shipwreck Act of 1987 (43 U.S.C. 2101 et seq.)), that have been illegally removed from the United States; and, upon request, shall facilitate recovery by the Government of the United States in the event such archaeological resources and cultural items are found to have illicitly entered Canada.
- B. Nothing in this Agreement shall displace any remedies otherwise available under Canadian law to a claimant to obtain the return of its cultural property.

ARTICLE III

- A. The Government of Canada shall use its best efforts to permit the temporary exchange of the protected archaeological and ethnological materials under circumstances in which such exchange does not jeopardize its cultural patrimony.
- B. Both Governments, through appropriate channels, shall seek to encourage academic institutions, non-governmental institutions and other private organizations to cooperate in the exchange of knowledge and information about the archaeological and ethnological material of both countries and to collaborate, as appropriate, in the preservation and protection of such cultural patrimony.
- C. The Government of the United States and the Government of Canada shall use their best efforts to further the protection and preservation of archaeological and ethnological materials in both countries through other instruments between governmental agencies having appropriate regulatory and enforcement responsibilities.
- D. Representatives of both Governments shall participate in joint efforts to encourage the exchange of knowledge and information about archaeological and ethnological materials through professional exchanges, technical assistance, training and public outreach.

ARTICLE IV

The implementation of this Agreement by both Governments shall be subject to the laws and regulations of each Government, as applicable, including those concerning the availability of funds.

ARTICLE V

- A. This Agreement shall enter into force upon signature. It shall remain in force for five years, unless extended by mutual agreement of both Governments.
- B. This Agreement may be amended by agreement of both Governments through an exchange of diplomatic notes.

- C. Either Government may give written notice to the other of its intention to terminate this Agreement, in which case the Agreement shall terminate six (6) months following the date of such notice.
- D. The implementation of this Agreement and its effectiveness shall be subject to appropriate consultations and continuous review by both Governments.
- E. Each Government shall designate an Executive Agent or Competent Authority for this Agreement, provided that each Government may also communicate through diplomatic channels.

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Governments, have signed the present Agreement.

DONE at Washington, this tenth day of April, 1997, in the English and French languages, both texts being equally authentic.

FOR THE GOVERNMENT OF
THE UNITED STATES OF AMERICA:

Joseph Duffey
Director, United States Information Agency

Earl Anthony Wayne
Deputy Assistant Secretary of State for European
and Canadian Affairs

FOR THE GOVERNMENT OF CANADA:

Raymond Chretien
The Ambassador of Canada to the United
States of America